

BEST AVAILABLE COPY

DOCKET NO.: 205625US0 CONT



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF: :  
Mitsuru OHKUBO, et al. : GROUP ART UNIT: 1625  
SERIAL NO.: 09/865,420 :  
FILED: MAY 29, 2001 : EXAMINER: B. ROBINSON  
FOR: BETA-ALANINE DERIVATIVE AND A PROCESS FOR THE PREPARATION  
THEREOF

TECH CENTER 1600/2900

TECH CENTER 1600/2900

DEC 05 2001

DEC 10 2001

RECEIVED

ELECTION OF SPECIES REQUIREMENT RESPONSE

ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

SIR:

Responsive to the Official Action mailed August 1, 2001, the Applicants hereby elect with traverse the compound of Claim 21. For the Examiner's convenience, the elected compound has the following substituents:

R<sup>1</sup> is piperidyl

R<sup>2</sup> is carboxy

R<sup>3</sup> is hydrogen

A<sup>1</sup> is ethylene,

A<sup>3</sup> is ethylene which has phenyl,

Z is CONH,

m=0,

n=0,

ℓ=0.

# BEST AVAILABLE COPY

The traverse is on the basis that the claimed invention may be examined without undue burden, because the claims are directed to compounds which share common structural features. Notwithstanding the above traversal, it is the Applicant's understanding that should no prior art be found which anticipates, or renders obvious the elected species, the search of the claims will be extended, MPEP 803.02.

Early examination on the merits is now respectfully requested.

## CONCLUSION

The Applicants respectfully submit that the claims are now in condition for early examination on the merits, and action on the merits is earnestly solicited.

Respectfully submitted,  
OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



Norman F. Oblon  
Attorney of Record  
Registration No.: 24,618

Thomas M. Cunningham, Ph.D.  
Registration No.: 45,394

